

**REMARKS**

In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections set forth in the Office Action of April 5, 2006, are earnestly solicited.

Claims 2, 3, 5, 22 and 23 remain pending in the application. Claim 22 has been amended to correct an informality.

**Objection Under 35 U.S.C. § 132**

Applicants' Amendment filed January 26, 2006 stands objected to under 35 U.S.C. § 132(a) as introducing new matter into the disclosure. The objection is respectfully traversed.

Paragraph [0004] is based on Claim 22, and, for the reasons set forth in more detail below, is supported by originally submitted Fig. 7 and the Specification beginning at Paragraph [0027]. Withdrawal of the objection is requested.

**Rejection Under 35 U.S.C. § 112**

Claims 2, 3, 5, 22 and 23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed.

As noted at § 2163.06, Manual Of Patent Examining Procedure, information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter. Independent Claim 22 finds clear support in Fig. 7 and the specification. Each limitation cited by the

Examiner is discussed below seriatim.

- "forming a FMEA team for assigning responsibilities in determining at least one specific existing process appropriate for use in capturing relevant knowledge."

A specific team determining a specific existing process is inherent in reviewing previous failure mode and effects analysis.

Capturing relevant knowledge of the determined existing process is shown at level 12 of Fig. 7 and includes blocks 3.0—7.0.

- "performing a draft FMEA on the new process using learning captured from the gathered data and analyze the differences between the existing and new processes"

This is shown as block 14 of Fig. 7. Also, see the Specification at Paragraph [0029].

- "performing a process specific FMEA on the new process focusing on high priority issues having greatest impact on safety, quality, delivery, cost or morale identified using the draft FMEA"

This is shown as block 16 of Fig. 7. Also, see the Specification at Paragraph [0035].

- "conducting a FMEA team group validation of the process specific FMEA to detect and eliminate problems between steps of the new process"

This is shown as block 104 of Fig. 7. Also, see the Specification at Paragraph [0036].

- "conducting a management review of a validated process specific FMEA"

and, upon management approval, forwarding the process specific-FMEA to a facility where the new process will be conducted for use in taking preventive action to prevent potential failure as in an order determined by results of the process specific FMEA"

This is shown in blocks 106, 108 and 110 of Fig. 7. Also, see the Specification at Paragraph [0037].

Withdrawal of this rejection is respectfully requested.

#### Rejection Under 35 U.S.C. § 103

Claims 5, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0225475 to Johnson et al. in view of U.S. Patent No. 6,959,235 to Abdel-Malek et al. The rejection is respectfully traversed.

As the Examiner has conceded, Johnson et al. does not specify that the potential failures be provided by gathering data from an existing related process and using the potential failures from the existing related process with differences between the existing related process and a new process to perform the final FMEA.

Abdel-Malek et al. discloses a diagnosis and repair system and method for application by field service repairmen to a product in service, not to an improved method for performing FMEA by design, manufacturing and operation personnel on a new process for producing products, as is the case with Applicants' invention.

Applicants' invention is used at the concept phase of a new product generation. Abdel-Malek et al. is directed to use by technicians on a previous product that has already

been in production (in this case railroad locomotives) failing in the field. In other words, FMEA, as improved by Applicants' invention, is intended to minimize or prevent potential failures, while Abdel-Malek et al. is concerned with repairing actual field failures. As such, Applicants' invention is pro-active, while Abdel-Malek et al. (and to a great extent Johnson, et al.) is reactive. Independent Claim 22 and its independent Claims 5 and 23 are therefore believed to be in condition for allowance.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. in view of Abdel-Malek et al. and further in view of U.S. Patent No. 6,643,592 to Loman et al. The rejection is respectfully traversed.

Without conceding the correctness of the Examiner's comments thereover, Claims 2 and 3 depend directly or indirectly from independent Claim 22 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 22.

Respectfully submitted,

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By: \_\_\_\_\_

  
Gordon K. Harris, Jr., Reg. No. 28,615  
(248) 944-6526  
Attorney for Applicants

Ralph E. Smith, Reg. No. 35,474  
CIMS 483-02-19  
DaimlerChrysler Intellectual Capital Company LLC  
DaimlerChrysler Technology Center  
800 Chrysler Drive East  
Auburn Hills, MI 48326-2757  
248-944-6519